



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

ENE/153830

PRELIMINARY RECITALS

Pursuant to a petition filed November 30, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Sheboygan County Department of Human Services in regard to Energy Assistance, a hearing was held on February 20, 2014, at Sheboygan, Wisconsin.

The issue for determination is whether the Sheboygan County Department of Human Services (the agency) correctly denied Petitioner's October 10, 2013, application for Energy Assistance.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Kris Schmidt, Economic Support Specialist / WHEAP Co-ordinator, Energy
Services Worker

Sheboygan County Department of Human Services
3620 Wilgus Ave.
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Sheboygan County.
2. The Petitioner filed an application for Energy Assistance on October 10, 2013. (Exhibit 2)

3. On that same date, the agency sent the Petitioner a letter indicating that her application was not complete and that she needed to provide a 2013 Social Security Award letter and statements from two pensions by November 9, 2013. (Exhibit 3)
4. The agency did not receive the requested income information by the November 9, 2013 deadline. (Testimony of Ms. Schmidt)
5. On November 13, 2013, the agency sent the Petitioner a letter indicating that her application for Energy Assistance was denied, because it was not completed within 31 days. (Exhibit 1)
6. The Petitioner filed a request for fair hearing that was received on November 30, 2013. (Exhibit 1)

DISCUSSION

Applications must be processed in 30 days. *WHEAP Manual §3.1.9 – Application Processing*. If an applicant is asked for verification and the documentation is not returned within 30 days, the system will deny the application as incomplete and the applicant will have to reapply. *WHEAP Manual §3.2.5*

In the case at hand, the Petitioner applied for Energy Assistance on October 10, 2013. On that same date, the agency requested verification of her household income, with a due date 30 days later, of November 9, 2013. The Petitioner did not provide the required verification. As such, the agency correctly denied her application for benefits.

CONCLUSIONS OF LAW

The agency correctly denied the Petitioner's October 10, 2013 application for benefits.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Administration. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department,

either personally or by certified mail. The address of the Department is: 101 East Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 8th day of April, 2014.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 8, 2014.

Sheboygan County Department of Human Services
DOA - Energy Assistance